

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201909112	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/01/2019 8:40 PM	Location of Incident: [REDACTED]	Precinct: 106	18 Mo. SOL 7/1/2020	EO SOL 2/15/2021	
Date/Time CV Reported Thu, 10/17/2019 1:01 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 10/17/2019 1:01 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Bryan Quinn	06052	944911	I.A.B.
2. LT Collin Johnson	00000	938722	TB DT11
3. DT3 Michael McGovern	00576	938989	BKROBSQ

Officer(s)	Allegation	Investigator Recommendation
A.LT Collin Johnson	Abuse: Lieutenant Collin Johnson damaged § 87(2)(b) s property.	[REDACTED]
B.DT3 Michael McGovern	Abuse: Detective Michael McGovern damaged § 87(2)(b) s property.	[REDACTED]
C.DT3 Bryan Quinn	Abuse: Detective Bryan Quinn damaged § 87(2)(b) s property.	[REDACTED]
D.LT Collin Johnson	Abuse: Lieutenant Collin Johnson entered § 87(2)(b) in Queens.	[REDACTED]
E.DT3 Michael McGovern	Abuse: Detective Michael McGovern entered § 87(2)(b) in Queens..	[REDACTED]
F.DT3 Bryan Quinn	Abuse: Detective Bryan Quinn entered § 87(2)(b) in Queens.	[REDACTED]
G.LT Collin Johnson	Force: Lieutenant Collin Johnson pointed his gun at § 87(2)(b)	[REDACTED]
H.DT3 Michael McGovern	Force: Detective Michael McGovern pointed his gun at § 87(2)(b)	[REDACTED]
I.DT3 Bryan Quinn	Force: Detective Bryan Quinn pointed his gun at § 87(2)(b)	[REDACTED]

Case Summary

On October 1, 2019, § 87(2)(b) filed this complaint with the CCRB by mail, approximately nine months after the date of the incident.

On January 1, 2019, at approximately 8:40 p.m., Lieutenant Collin Johnson, Detective Michael McGovern, and Detective Bryan Quinn, all of the IAB Police Impersonation Squad, responded to § 87(2)(b) in Queens in order to apprehend § 87(2)(b). The officers allegedly damaged the door to the basement apartment (**Allegations A-C: Abuse of Authority, § 87(2)(g)**). The officers entered the apartment (**Allegations D-F: Abuse of Authority, § 87(2)(g)**). The officers allegedly pointed their guns at § 87(2)(b) (**Allegations G-I: Abuse of Authority, § 87(2)(g)**). The officers arrested § 87(2)(b) (**Board Review 08**).

The investigation did not obtain video footage of this incident. The officers were not equipped with body-worn cameras at the time of the incident.

The investigation was quite delayed by an inability to obtain necessary NYPD documentation—documents requested in late October 2019 did not arrive until late May 2020.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Collin Johnson damaged § 87(2)(b)'s property.

Allegation (B) Abuse of Authority: Detective Michael McGovern damaged § 87(2)(b)'s property.

Allegation (C) Abuse of Authority: Detective Bryan Quinn damaged § 87(2)(b)'s property.

Allegation (D) Abuse of Authority: Lieutenant Collin Johnson entered § 87(2)(b) in Queens.

Allegation (E) Abuse of Authority: Detective Michael McGovern entered § 87(2)(b) in Queens.

Allegation (F) Abuse of Authority: Detective Bryan Quinn entered § 87(2)(b) in Queens.

§ 87(2)(b) testified (**Board Review 01**) that he had moved into the basement apartment approximately two weeks before the incident. The apartment was accessible via a set of two doors: an exterior door leading into § 87(2)(b)'s private vestibule, and an interior door leading from the vestibule into the apartment itself. At the time of the incident, both of these doors were locked. § 87(2)(b) heard knocking at the door of the apartment and, approximately 30 seconds later, opened the interior door into the vestibule and observed that the officers had opened the exterior door and entered the vestibule. § 87(2)(b) did not witness the officers opening the exterior door, but he subsequently saw that the lock mechanism on the exterior door was bent.

Det. Quinn testified (**Board Review 02**) that, prior to the date of incident, he had obtained an arrest warrant for § 87(2)(b) and a pen register to locate § 87(2)(b) using the GPS location function on § 87(2)(b)'s phone. On the date of the incident, Det. Quinn and his partners drove to § 87(2)(b) after the pen register located § 87(2)(b)'s phone at that address, although Det. Quinn did not know whether § 87(2)(b) resided there. After knocking on the exterior door of the basement apartment, Det. Quinn opened the unlocked exterior door by turning the knob and looked inside the vestibule, but he did not enter the vestibule. § 87(2)(b) stepped into view through the interior door, at which point the officers entered the vestibule to apprehend him. Det. Quinn denied that he or any other officer forced open or damaged the exterior door.

Lt. Johnson (**Board Review 03**) and Det. McGovern (**Board Review 04**) § 87(2)(g) testified that the exterior door swung open when Det. McGovern knocked, enabling them to see § 87(2)(b) inside the apartment before they entered. Lt. Johnson and Det. McGovern both denied forcing the exterior door open or damaging it.

The arrest warrant for § 87(2)(b) possessed by Det. Quinn, (**Board Review 05**) did not list § 87(2)(b)'s address. A Sealed Order Authorizing the Installation of a Pen Register and Trap-and-Trace Device (**Board Review 06**) and associated Search Warrant (**Board Review 07**), issued by the § 87(2)(b) on § 87(2)(b), ordered Verizon to provide the NYPD with access to the GPS location of § 87(2)(b)'s phone for 60 days. A DD5 prepared by Det. Quinn (**Board Review 08**) was consistent with the officers' testimonies that a Trap-and-Trace device was used to determine that § 87(2)(b) was present in the basement of § 87(2)(b) at the time of this incident.

Officers equipped with an arrest warrant may enter a dwelling in which the suspect lives when there is reason to believe the suspect is within. Payton v. New York, 445 U.S. 573 (**Board Review 09**).

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Allegation (G) Force: Lieutenant Collin Johnson pointed his gun at § 87(2)(b)

Allegation (H) Force: Detective Michael McGovern pointed his gun at § 87(2)(b)

Allegation (I) Force: Detective Bryan Quinn pointed his gun at § 87(2)(b)

§ 87(2)(b) testified that, after entering the vestibule of his apartment, Lt. Johnson, Det. McGovern, and Det. Quinn all pointed their handguns at his face and ordered him to get on the ground.

Lt. Johnson and Det. Quinn denied that they or any other officer pointed a gun at § 87(2)(b) and Det. McGovern testified that he did not recall whether he or any other officer pointed a gun at § 87(2)(b)

§ 87(2)(g)
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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a subject (**Board Review 10**).
- Lt. Johnson has been a member of service for 15 years and has been a subject in four previous CCRB complaints and five allegations, none of which was substantiated.
- Det. McGovern has been a member of service for 15 years and has been a subject in six previous CCRB complaints and 12 allegations, none of which was substantiated.
- Det. Quinn has been a member of service for 13 years and has been a subject in one previous CCRB complaint and three allegations, none of which was substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 6, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**Board Review 11**).

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 5

Investigator:	<u>Julian Phillips</u>	<u>Inv. Phillips</u>	<u>10/27/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>10/27/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date